

**Washington County Land Use Authority Meeting  
February 10, 2009**

The Washington County Land Use Authority Meeting was held on Tuesday, February 10, 2009, in the Commission Chambers of the Washington County Administration Building. The meeting was convened at 1:30 p.m. by Chairman Stucki. Commissioners present, Debra Christopher, Joann Balen, Julie Cropper, Dave Everett, Kim Ford, Rick Jones and Doug Wilson. Also present were Planner Deon Goheen, Deputy Attorney Rachelle Ehlert, Building Official Kurt Gardner, Todd Edwards, Public Works Department, and County Administrator John Willie.

Audience attendance: Rob Tersigni, Dale Grange, Bob Roth, Russell Funk, Adam Bowler, Aaron Metler, Steven Bingham, and George Cropper

Chairman Stucki led the audience in the Pledge of Allegiance and explained meeting protocol.

**Item #1. CONDITIONAL USE PERMIT EXTENSION.** Review extension on guided ATV trail rides on County routes as an annual jamboree event to be held on March 12 - 14, 2009, in Hurricane. Utah. Tri State OHV/Dale Grange, applicant.

The planner explained that this is a fourth extension. This annual event is scheduled early in the Springtime of each year. Hurricane City is the host community for this event, although most of the trails extend beyond their city limits. This is a three-day event and they will have guided trail rides, which are staged on BLM Land. The applicant has been going through the permitting process with BLM. They have shown staging areas on each of the drawings submitted, having committed to have rest stations, with porta-potties at each of those locations. The applicant has addressed ambulance accessibility and plans for communications at the previous meetings. These types of uses are conditionally approved to make the commission and the public aware of activities and locations. The planner suggested that, since there have been no problems with this event, the commission may want to grant permanent status, subject to review if there are any problems in the future, and realizing that the insurance would need to be updated each year.

Rob Tersigni, Sheriff's Office, explained the changes in the way the Sheriff's Department will be handling special events. In the past, the Sheriff's Office would provide the number of off-duty officers that the event coordinators felt would be necessary, and they were paid an hourly rate. This was done with a verbal agreement. The Sheriff's Office met with the event coordinator to look at the route and the roads, and determine where any hazards could be, any high traffic areas, if a road needs to be closed, and the number of deputies needed to keep the roads safe. Mr. Tersigni emphasized that the Sheriff's Office is hired to offer traffic control, not security for the event. With the new contract agreement, a contract will be drawn up before the event, and the deputies will be on the clock with the Sheriff's Office, and paid time and one-half their normal salary. This is necessary to avoid these events being a drain on the County Budget. Letters have been sent to all recurring events to notify them of the changes.

Dale Grange, Tri State OHV Club, brought newsletters to explain about race, which he emphasized is not competitive. This is the sixth year of this event, with two hundred seventy (270) participants last year from all over country. This year the participants will be in the two

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hundred to two hundred fifty (200-250) range because of the economy.

Mr. Grange gave further details about the race, including that the route is cleaned up beforehand and afterwards. There are seventeen (17) different rides, with limits on each ride. The participants leave as a group, and although the rides are concurrent, it hasn't been a problem because the County is large enough to handle it. There are three (3) guides for each route, a lead guide, a mid, and an end guide, called a tail gunner, who are in constant communication with radios. The Bureau of Land Management charges the event three percent (3%) of the gross products, and the State charges one and one-half dollars (\$1.50) per rider. There are adequate sanitary facilities on each route. There have not been any major accidents or serious injuries.

**Motion was made by Commissioner Cropper to recommend approval for a Conditional Use Permit Extension to review extension on guided ATV trail rides on County routes as an annual jamboree event, on a permanent basis. Commissioner Christopher seconded the motion. Six (6) commissioners and the alternate voted Aye. The motion carried.**

**Item #2. CONDITIONAL USE PERMIT EXTENSION.** Review extension on a bike tour along County routes from Virgin to Rockville, beginning in the Bloomington area and running to Zions National Park and back to St. George, as a part of the Zion (Century) Country Early Spring Ride, Saturday, February 28, 2009. Bob Kinney/Bike 2 Bike, applicant.

The planner explained that this item was submitted to the County after the event had been held for three (3) or four (4) consecutive years. The applicant had previously met all the city permitting processes and assumed there was no need for a County permit. This is an automatic annual review. The majority of the event is held within the municipalities jurisdiction, except for approximately three (3) miles between Virgin and Rockville. This part of the trek is on SR-9 and the applicants have UDOT approval. This group is a non profit organization sponsored by the Huntsman Cancer Association and their profits go to the Spina Bifida Association, which is the number 1 physically disabling birth defect. Staff felt this should be reviewed and on the record as an approved event with the County. There are approved rest stops along the way within the different communities, with a scheduled luncheon in Hurricane. The County Sheriffs Office has been notified and they are working with their events officer and the group has a liability insurance policy. The applicant will be invited to review last year's event. The planner suggested that since there have been no problems with this event, the commission may want to grant permanent status, subject to commission review if there are concerns in the future.

The planner explained that the applicant was not able to be in attendance, but spoke with her on the telephone to review last year's event. The applicant will be in town tomorrow to meet with the cities and the County Sheriff's Office. There have been no major problems or concerns, and the applicant will update the insurance policy for one million dollars.

There was a discussion regarding whether to extend permanent status to this event, if approved.

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Concern was expressed that this is only the second review by the County, and there should be an established record of the event being a success for at least four (4) years. However, some commissioners felt that the actual running of the event was enough, even though the County was not aware of the event.

**Motion was made by Commissioner Balen to recommend approval for a Conditional Use Permit Extension to review extension on a bike tour along County routes as part of the Zion (Century) Country Early Spring Ride, subject to agreement with the Sheriff's Office, on a permanent basis. Commissioner Ford seconded the motion. Five (5) commissioners and the alternate voted Aye. Commissioner Everett voted nay. The motion carried on a split vote.**

**Item #3. CONDITIONAL USE PERMIT.** Request permission to locate a temporary hot mix plant within the M-1 zone, generally located south of the County Landfill, a portion of Section 20, T42S, R14W, SLB&M, Washington County unincorporated. Western Rock Products/ Bob Roth, applicant.

The planner explained that the applicant has received a contract with UDOT for improvements to Interstate 15 and they need to set up a temporary hot mix facility for a couple of months. They would be operating during the nighttime hours, as per their contract with UDOT, on a temporary basis. In 1975, after Interstate 15 was completed, the County conditionally approved a hot mix plant on this property, which was zoned OS-20 (Open Space 20 acres). Approximately ten (10) years ago this property was zoned M-1 to allow for the batch plant and gravel crushing operation and the hot mix plant was no longer in use. With zoning ordinance changes, asphalt plants are now conditionally approved within the I-1 Industrial zone, so for this temporary need, the planner suggested that the commission may want to consider this particular use conditionally, within the M-1 zone as being in harmony with the intent of the zone, instead of requiring a zone change.

Bob Roth, Western Rock, showed on the displayed site map the ponds and the well that are already being used with the crushing operation. There was a question regarding the difference between a batch plant and a hot mix plant. Mr. Roth explained that a batch plant is ready mix concrete. A hot mix plant, for asphalt, mixes aggregate with hot oil, and that mixture is taken by elevator to a silo, then taken out to the highway. The actual hot mix plant will only be needed for around ninety (90) days, but extra time is needed for the whole project that will include adding a northbound truck passing lane. The plan is to bring in the portable asphalt plant and set it up in the Sorenson Pit, run it for three (3) months, then it will be taken down and moved out. A window of seventy (70) days is anticipated to make the asphalt and lay it to complete the job. Western Rock is already permitted for crushing and the batch plant, and this use will not change the air quality, so additional permits will not be necessary. UDOT requirements are that eighty percent (80%) of the work be done during nighttime hours, specifically from 8:00 p.m. to 4:00 a.m.

## **Facts & Findings**

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1. ALL permits are in order (air quality)
2. UDOT requested freeway to be widened as a necessity for safe highway transportation
3. A hot mix plant was previously approved within the OS-20 zone, after review of M-1 Zone Ordinance, ordinance does not show that it could be conditionally approved
4. Similar to existing use
5. Offensive aromas produced by hot mix will be contained
5. Use not permitted except as may be otherwise approved by the planning commission

Findings were individually voted on by the commissioners and unanimously approved.

**Motion was made by Commissioner Everett to recommend approval for a Conditional Use Permit on a temporary hot mix plant generally located south of the County landfill, based on findings for a period of one (1) year. Commissioner Balen seconded the motion. Six (6) commissioners and the alternate voted Aye. The motion carried.**

**Item #4. CONDITIONAL USE PERMIT.** Request permission to operate a crushing operation and batch plant, Section 11, T40S, R17W, SLB&M, generally located at the Snowfield Ranch Exit. Jason Campbell, applicant and Kurt Allen/Northern Engineering, agent.

The applicant was not in attendance.

**Motion was made by Commissioner Cropper to table this item until the applicant can be in attendance. Commissioner Ford seconded the motion. Six (6) commissioners and the alternate voted Aye. The motion carried.**

**Item #5. CONDITIONAL USE PERMIT.** Request permission to expand the sewer lagoons for the Town of Enterprise within the A-20 Zone, Section 12, T38S, R17W, SLB&M, generally located 1/4 mile south of Enterprise. Enterprise City, applicant.

The planner explained that the City of Enterprise established sewer lagoons at this location in the early 1980's, which were never reviewed by the planning for a conditional use permit. The applicants are now installing two (2) new cells in conjunction with the Department of Environmental Quality overseeing the project. The facility is located on 36.65 acres, which includes a discharge area and four (4) cells. The existing equipment building will be removed and a new chlorination/blower building will be constructed. Utilities are conditionally approved in all zones in the County. Sewer lagoons and treatment plants are conditionally approved within the I-1 (Industrial) zone. The planner suggested that, since this is an existing use and being reviewed for expansion, the commission may want to consider this conditionally, within the A-20 zone as being in harmony with the intent of the zone.

Adam Bowler, Enterprise City, explained that they are not expanding or changing the original footprint of the lagoons. The ponds will stay the same. They are adding another dike, to allow

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better control of the time the wastewater sits, which will improve the process. Everything is heavily regulated by the State of Utah. The permit allows discharge into the wash, or onto the applicant's property, and Mr. Bowler said that they usually choose their own property. They are in the process of building a fence around the area to keep people out.

Mr. Bowler explained that the system had been total containment, with no discharge, but because of growth they had received an emergency permit to discharge. The system was redesigned as a discharge system. There is discharge only once per year, but that could increase as the use increases.

Russ Funk, Sunrise Engineering, explained that the State requires Type 2 Reuse (agricultural reuse standards) and they are working with the State to obtain a permit to reuse. The permit to discharge has been obtained. The capacity will be four times the original when completed.

There was a brief discussion about why the sewer lagoon property has not been annexed into the Town of Enterprise. Mr. Bowler explained that most of the people who own property surrounding these sewer lagoons live in the city, and use their property in this area for farming and grazing. Those people would oppose their farms being annexed into the city.

### **Facts & Findings**

1. State requested changes for improvement
2. This is a public utility and is compatible with existing zone use
3. Footprint will remain the same, change will result in better treatment
4. Meets standard of the zone
5. This is an existing use
6. Improves health & safety concerns for residents
7. All permits are in order, subject to the building permit being issued

Findings were individually voted on by the commissioners and unanimously approved.

**Motion was made by Commissioner Christopher to recommend approval for a Conditional Use Permit to expand the sewer lagoons for the Town of Enterprise, for a period of one (1) year. Commissioner Everett seconded the motion. Six (6) commissioners and the alternate voted Aye. The motion carried.**

**Item #6. CONDITIONAL USE PERMIT.** Request permission for a Lake to Lake Team Relay on March 7, 2009, from Gunlock Reservoir to Sand Hollow Reservoir to be sponsored by City of St. George Recreation. St. George City/Aaron Metler, applicant.

The planner explained that the applicant has applied for an annual team relay event, scheduled for March 7, 2009. St. George City is the host community for this event, with some of the route being

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in Washington County, which extends beyond their city limits. This is a one day event that will impact the travel on the Gunlock Rd. and Hwy. 91 between 8:00 a.m. and 10:00 a.m. They have capped the race at one hundred fifty (150) teams and only one runner at a time, although each team may consist of five (5) members. The applicant has supplied detailed information about the event and addressed the issues of route, garbage, aid stations, course marking, hours and rules. The Sheriff's Office is working with the City on a joint safety plan and they will provide law enforcement services at the race. These types of uses are conditionally approved to make the commission and the public aware of activities and locations.

Aaron Metler, applicant, gave maps of full relay routes, and explained that permits have been obtained from the cities involved. Signs will be placed to reduce speed limit to 25 mph, and three (3) special event ahead signs. Parking will not be allowed on the shoulder, so buses will be provided to take participants to the next step. There are no plans to close any roads. Staff will have cell phones to be in constant communication.

Steve Bingham, recreation manager, said that the number of teams will be capped at one hundred fifty (150) but they don't expect that many the first year. The registration opened two (2) weeks ago, and twenty (20) teams have registered to date. Even though each group will start at the same time, with one hour to complete each portion of the team relay, the teams will naturally spread out and not be all together. Seventy percent (70%) of the route are city trails. Participants will have race numbers to identify them. Penalties will apply if they do not follow the rules, including but not limited to, using porta potties that will be provided, running on a specified side of the road, littering, and any other rules needed to maintain order and safety. Parking will be at the beginning of the race at the Gunlock Reservoir. Each team provides a van to take the runners to the beginning point of the individual parts of the race, and will provide their own water.

The commission reviewed safety issues that may arise with such a request and the number of sanitary facilities needed for this size of an event. The applicants plan for a ratio of 1:10 for porta potties, with no more than ten (10) in each line. There will be a need for more sanitary facilities at the beginning of the race, than at each exchange point, but special emphasis was made for the applicants to make sure that adequate facilities are provided. The actual number needed will depend on the final number of participants, so it was determined that the applicant will provide a ratio amount, and Staff would have final approval.

**Motion was made by Commissioner Christopher to recommend approval for a Conditional Use Permit for a Lake to Lake Team Relay from Gunlock Reservoir to Sand Hollow Reservoir, subject to clarification for ratio of porta potties to be approved by Staff, for a period of one (1) year. Commissioner Cropper seconded the motion. Six (6) commissioners and the alternate voted Aye. The motion carried.**

**Item #7. STAFF DECISIONS.** Review of decisions from the Land Use Authority Staff Meeting held on February 3, 2009. County initiated.

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The staff meeting convened at 9:00 a.m. Staff members present: Deon Goheen, Planner; Kurt Gardner, Building Official; Rachelle Ehlert, Deputy Civil Attorney; Todd Edwards, Washington County Public Works Engineer; Darwin Hall, Ash Creek Special Service District; Randy Taylor, Department of Environmental Quality; and Laurence Parker, Southwest Utah Public Health Department;

Excused: Ron Whitehead, Public Works Director and Tina Esplin, Washington County Water Conservancy District.

**CONDITIONAL USE PERMIT EXTENSION:**

A. Request permission to construct a 4<sup>th</sup> dwelling for a family member on 134 acres, within the A-20 zone south of New Harmony. Garth P. Frehner, applicant and Jeremiah Johnson, agent.

This is the 2<sup>nd</sup> extension review for a 4<sup>th</sup> dwelling (pool house), with the final occupancy being granted on August 7, 2007, which means that this unit was completed by the 2008 review, although current records were not kept in the old system at the time of converting to the new system, so updated records were not available. As a housekeeping item, the staff needs to grant approval of permanent status. The planner explained that previously the applicant had met the requirements for the Conditional Use Permit by submitting a site plan, septic permit and a water connection from the Town of New Harmony. Dwellings are conditionally approved within the A-20 zone, with this property containing a total of 134 acres. The property is accessed from Hwy. 144 to New Harmony Center Street and onto a prescriptive use road at approximately 400 South, commonly known as Rachel Lane, generally located south of New Harmony. The plans showed living space, with two full baths, sauna, Gym and kitchen area, thus, staff suggested that this be reviewed as a dwelling for a family member, whereas the structure would be fully contained. The unit was inspected by Building Inspector Henry Brannon and it meets the requirements of the International Building Code. **The staff granted approval of the Conditional Use based on permanent status.**

**Item #8. MINUTES.** Consider approval of the minutes of the regular planning commission meeting and work meeting held on January 13 & 27, 2009.

**Motion was made by Commissioner Balen to approve the minutes of January 13, 2009, as written. Commissioner Christopher seconded the motion. Six (6) commissioners and the alternate voted Aye. The motion carried.**

**Motion was made by Commissioner Cropper to approve the minutes of January 27, 2009, as written. Commissioner Christopher seconded the motion. Six (6) commissioners and the alternate voted Aye. The motion carried.**

**Item #9. COUNTY COMMISSION ACTION REVIEW.** Review of action taken by the County Commission on Planning Items. County initiated.

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**No action taken.**

**Item #10. COMMISSION & STAFF REPORTS** General reporting on various topics. County initiated.

The planner announced that the Water Conservancy District has invited the commissioners and the County Attorney to a luncheon on March 3, 2009, at 11:30 a.m. at their office. This will be to inform of future reservoirs planned, and their agenda for next few years. Personal invitations will be sent, but the planner wanted to let the commissioners know about it so they could put it on their calendars.

There being no further business at 3:34 p.m., Chairman Stucki adjourned the meeting.

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Donna Rasmussen, Planning Secretary